

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTONIO JAMAL WILFOUNG,)	
)	
Petitioner,)	
)	1:11CV942
v.)	1:04CR495-2
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

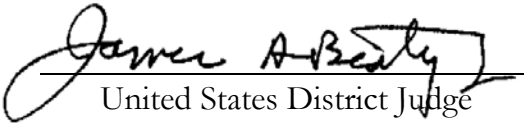
On March 6, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed a Notice [Doc. #164] that no objections would be filed and the time has run for the Government to file objections. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #161] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #131] is GRANTED. The Judgment [Doc. #54] is VACATED, and the Clerk is directed to set this matter for resentencing.

IT IS FURTHER ORDERED that Petitioner's Motion [Doc. #134] supplementing his § 2255 Motion is DENIED without prejudice to Petitioner raising any arguments regarding the proper application of the United States Sentencing Guidelines at his resentencing. Petitioner remains in custody and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the

Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This, the 15th day of April, 2013.


United States District Judge